

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RITA RODIN-JOHNSTON,

Plaintiff,

-against-

HOTEL LES ATELIERS DE L'IMAGE, SARL
GODARD FRANCE ASSOCIES, ALAIN
GODARD, FRANCINE GODARD, and
JEROME GODARD,

Defendants.

11 Civ. 00638 (GBD)

DECLARATION OF
JEAN-CHRISTOPHE PIC
IN SUPPORT OF MOTION TO DISMISS

JEAN-CHRISTOPHE PIC hereby declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am an employee of SARL Godard France Associés ("SARL Godard"), a defendant in this case. I have personal knowledge of the facts stated herein and if called upon to testify, I could and would do so truthfully.
2. SARL Godard is a French limited liability company with its address at 36 Boulevard Victor Hugo a 13210 Saint Remy du Provence, France.
3. SARL Godard owns, operates, and manages Hotel Les Ateliers de L'Image (the "Hotel"), also located at 36 Boulevard Victor Hugo, 13210 St. Remy de Provence, in France.
4. Since December 6, 2008, the sole member of SARL Godard has been Charles Andre SAS, a French company. Since that date, none of Alain Godard, Francine Godard, or Jerome Godard ("the Godards") has had any involvement in SARL Godard or the Hotel.
5. As of December 6, 2008, SARL Godard has not had an office in the State of New York; has not owned any property in the State of New York; has not had a telephone number, mailing address, or bank account in the State of New York; has not had an agent for service of process in the State of New York; has not been authorized to do business in the State of New

York; has not sold anything in the State of New York; and has not had any employees or agents in the State of New York.

6. The Hotel's website, www.hotelphoto.com (the "Website") is not targeted specifically at New York residents and is equally accessible to anyone anywhere in the world.

7. Upon information and belief, since approximately February 18, 2010, the Website has been registered with Domain Registry of America, which has its address at 2316 Delaware Avenue, Suite 266, New York 14216-2687 (the "Buffalo Address"). However, since December 6, 2008, neither SARL Godard nor the Hotel has ever operated out of the Buffalo Address or any other address in the United States. The Buffalo Address has not been listed on the Hotel's website, and neither SARL Godard nor the Hotel has received mail or other correspondence at that address. Similarly, Domain Registry of America has not acted as an agent or representative of SARL Godard or the Hotel, and has not been authorized to accept service on behalf of them.

8. I understand that information about the Hotel is available on several third-party travel websites, such as Hotel.com, Priceline.com, American Express, Concierge/travelguide.com, Book.com, Expedia.com, Tablet.com, and Exclusive Hotels (the "Third-Party Travel Sites") and that some or all of these websites allow individuals to book rooms at the Hotel.

9. None of these Third-Party Travel Sites is authorized to act as an agent of the Hotel.

10. Since December 6, 2008, neither SARL Godard nor the Hotel has entered into any exclusive relationships with any of these Third-Party Travel Sites. Rather, upon information and belief, these Third-Party Travel Sites are independent third-party travel agencies that offer reservations at thousands of hotels around the world.

11. Each year the Hotel enters into written contracts with Third-Party Travel Sites whereby they purchase a certain number of rooms at the Hotel, exclusive of any fees and charges incurred by the individual during his/her stay at the Hotel. Upon information and belief, the Third-Party Travel Sites then sell those rooms at a marked-up rate to individual customers. The Hotel is paid directly by the Third-Party Travel Sites in advance pursuant to the written contracts, and the Third-Party Travel Sites are the merchants of record for any rooms booked through them.

12. The Third-Party Travel Sites have no authority to book rooms at the Hotel except pursuant to the written contracts described above. These Third-Party Travel Sites are not authorized to act as intermediaries or agents of the Hotel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 8, 2011



Jean-Christophe Pic